

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Scott B Winters
Lynn M Winters
Debtor(s)

Bankruptcy Case No.: 13-11354-TPA
Per September 19, 2017 Proceeding
Chapter: 13
Docket No.: 119 – 109, 112
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated July 28, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,434.00 as of October, 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

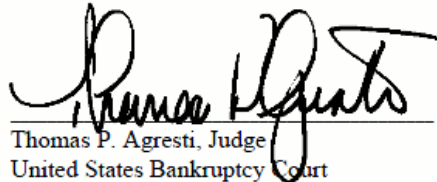
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: September 22, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

Imaged Certificate of Notice Page 4 of 5

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Scott B Winters
Lynn M Winters
DebtorsCase No. 13-11354-TPA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
Form ID: 149Page 1 of 2
Total Noticed: 47

Date Rcvd: Sep 22, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 24, 2017.

db/jdb +Scott B Winters, Lynn M Winters, 139 Bennett Road, Saint Marys, PA 15857-3501
cr +JPMorgan Chase Bank, N.A., 700 Kansas Lane, Monroe, LA 71203-4774
13745754 ++AARON S INC, PO BOX 100039, KENNESAW GA 30156-9239
(address filed with court: Aaron Sales & Lease Ow, 1015 Cobb Place Blvd Nw,
Kennesaw, GA 30144)
13798636 +Aaron's SALO Lockbox, P.O. Box 102746, Atlanta, GA 30368-2746
13745755 +Aas Debt Recovery Inc, Po Box 129, Monroeville, PA 15146-0129
13754968 +CKS Financial, LLC, P.O. Box 2856, Chesapeake, VA 23327-2856
13745757 +Capital One Bank, N.A., P.O. Box 71083, Charlotte, NC 28272-1083
13745759 +Chase Home Mortgage, P.O. Box 78420, Phoenix, AZ 85062-8420
13745762 +ECS, 1616-102 W Cape Coral Pkwy., Cape Coral, FL 33914-8911
13745763 +Elk Regional Health Center, Attn: Cashier, 763 Johnsonburg Road,
Saint Marys, PA 15857-3498
13745764 +Elk Regional Physicians Group, 763 Johnsonburg Road, Saint Marys, PA 15857-3498
13745766 +First Premier Bank, P.O. Box 5529, Sioux Falls, SD 57117-5529
13745769 +Goggins & Lavintman, P.A., Attorneys at Law, 1295 Northland Drive, Suite 270,
Mendota Heights, MN 55120-1373
13745770 +Holiday Financial Serv, 89 W Main St, Ridgway, PA 15853-1633
13745771 +I C System Inc, Po Box 64378, Saint Paul, MN 55164-0378
13745772 +I.C. System, Inc., 444 Highway 96 East, P.O. Box 64437, Saint Paul, MN 55164-0437
13745773 +Kutsel Auto Dealers, 1436 Behringer Highway, Du Bois, PA 15801-5228
13847674 Kutsel's 322 Auto Sales, 1436 Behringer Highway, DuBois, PA 15801-5228
13745775 +Natcreadj, 327 W 4th St, Hutchinson, KS 67501-4842
13745777 +Northland Group Inc., P.O. Box 390846, Minneapolis, MN 55439-0846
13745778 #+Northwest Consumer Discount Company, 16 N 2nd Street, P.O. Box 432,
Clearfield, PA 16830-0432
13745779 +Penn Credit Corporatio, 916 S 14th St, Harrisburg, PA 17104-3425
13745781 +R & R Radiology LLC, P.O. Box 129, Clearfield, PA 16830-0129
13745782 +Security Credit System, 622 Main St Ste 301, Buffalo, NY 14202-1929
13745783 +Sunrise Credit Services, Inc., P.O. Box 9100, Farmingdale, NY 11735-9100
13846040 +U.S. Bank National Association, as Indenture Trust, 3415 Vision Drive, OH4-7133,
Columbus, OH 43219-6009
13745787 +Women's Health Services, 761 Johnsonburg Road, Suite 140, Saint Marys, PA 15857-3480

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

13745756 +E-mail/Text: ally@ebn.phinsolutions.com Sep 23 2017 00:44:36 Ally Financial,
200 Renaissance Center, Detroit, MI 48243-1300
13765544 +E-mail/Text: ally@ebn.phinsolutions.com Sep 23 2017 00:44:36 Ally Financial f/k/a GMAC,
c/o Ally Servicing LLC, P O Box 130424, Roseville, MN 55113-0004
13765539 E-mail/Text: ally@ebn.phinsolutions.com Sep 23 2017 00:44:36
Ally Financial serviced by Ally Servicing LLC, PO Box 130424, Roseville, MN 55113-0004
13761700 +E-mail/Text: BANKRUPTCY@ASSETACCEPTANCE.COM Sep 23 2017 00:45:10 Asset Acceptance LLC,
PO Box 2036, Warren MI 48090-2036
13782992 +E-mail/Text: bncmail@w-legal.com Sep 23 2017 00:45:25 CERASTES, LLC,
C O WEINSTEIN,PINSON AND RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
13745758 +E-mail/Text: jessicajones@cpcrecovery.com Sep 23 2017 00:45:41 Central Portfolio Control,
6640 Shady Oak Road #300, Eden Prairie, MN 55344-7710
13745760 +E-mail/Text: jsanders@cksfin.com Sep 23 2017 00:44:57 Cks Financial,
505 Independence Pkwy St, Chesapeake, VA 23320-5178
13745761 +E-mail/Text: bankruptcies@zimmerbiomet.com Sep 23 2017 00:45:49 EBI-Patient Pays,
Lockbox # 8506, P.O. Box 8500, Philadelphia, PA 19178-8500
13745767 +E-mail/Text: ally@ebn.phinsolutions.com Sep 23 2017 00:44:36 G M A C, Po Box 535160,
Pittsburgh, PA 15253-5160
13745768 +E-mail/Text: ally@ebn.phinsolutions.com Sep 23 2017 00:44:36 GMAC, P.O. Box 380903,
Minneapolis, MN 55438-0903
13764592 E-mail/Text: JCAP_BNC_Notices@jcap.com Sep 23 2017 00:45:28 Jefferson Capital Systems LLC,
PO BOX 7999, SAINT CLOUD MN 56302-9617
13745774 +E-mail/Text: bonnie@ljross.com Sep 23 2017 00:44:51 L.J. Ross Associates, Inc.,
P.O. Box 6099, Jackson, MI 49204-6099
13829617 E-mail/PDF: resurgentbknifications@resurgent.com Sep 23 2017 00:47:55
LVNV Funding, LLC its successors and assigns as, assignee of Arrow Financial Services,,
LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
13745776 E-mail/Text: Bankruptcy@natfuel.com Sep 23 2017 00:45:14 National Fuel, P.O. Box 4103,
Buffalo, NY 14264
13782906 +E-mail/Text: Bankruptcy@natfuel.com Sep 23 2017 00:45:14 National Fuel, P.O. Box 2081,
Erie, PA 16512-2081
13745780 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 23 2017 00:54:16
Portfolio Recovery Associates, LLC, P.O. Box 12914, Norfolk, VA 23541
13760507 +E-mail/Text: bncmail@w-legal.com Sep 23 2017 00:45:25 TD BANK USA, N.A.,
C O WEINSTEIN,PINSON AND RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
13745784 +E-mail/Text: bnc@alltran.com Sep 23 2017 00:44:38 United Recovery Systems,
P.O. Box 722929, Houston, TX 77272-2929

District/off: 0315-1

User: vson
Form ID: 149

Page 2 of 2
Total Noticed: 47

Date Rcvd: Sep 22, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

13745786	+E-mail/Text: bankruptcy@firstenergycorp.com Sep 23 2017 00:45:19	West Penn Power,
	P.O. Box 3615, Akron, OH 44309-3615	
13830509	+E-mail/Text: bankruptcy@firstenergycorp.com Sep 23 2017 00:45:19	West Penn Power,
	1310 Fairmont Ave, Fairmont, WV 26554-3526	

TOTAL: 20

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr	U.S. Bank National Association, as Indenture Trust
13745765	##+First Bank of Delaware, 1000 Rocky Run Parkway, Wilmington, DE 19803-1455
13745785	##+Vince Enterprises, P.O. Box 681282, Kansas City, MO 64168-1282

TOTALS: 1, * 0, ## 2

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 24, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 22, 2017 at the address(es) listed below:

Andrew F Gornall	on behalf of Creditor	U.S. Bank National Association, as Indenture Trustee, successor in interest to Bank of America, National Association, as Indenture Trustee, successor by merger to LaSalle Bank National Association, a agornall@goldbecklaw.com, bkgroup@goldbecklaw.com/bkgroup@kmlawgroup.com
James Warmbrodt	on behalf of Creditor	U.S. Bank National Association, as Indenture Trustee, successor in interest to Bank of America, National Association, as Indenture Trustee, successor by merger to LaSalle Bank National Association, a bkgroup@kmlawgroup.com
Kenneth P. Seitz	on behalf of Joint Debtor Lynn M Winters	thedebterasers@aol.com
Kenneth P. Seitz	on behalf of Debtor Scott B Winters	thedebterasers@aol.com
Office of the United States Trustee		ustregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour		cmecf@chapter13trusteedpa.com

TOTAL: 6